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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,624	03/15/2004	Ching-Jou Chen	CHEN3645/EM	8407

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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/799,624	CHEN ET AL.	
	Examiner	Art Unit	
	Jon A Szumny	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
 7) ☒ Claim(s) 2 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This is the first office action for application number 10/799,624, Portable Computer Support Structure, filed on March 15, 2004.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities:

On page 9, line 3, "an use" should be ~~--use--~~.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4-6, it is not clear if the applicant is claiming the portable computer *functionally* or *positively*. The preamble of claim 1 recites the former, but then the portable computer is claimed positively in claims 4 and 6 ("...a pair of sliding rails respectively coupled to a pair of sliding grooves that form the supporting portion of the portable computer" and

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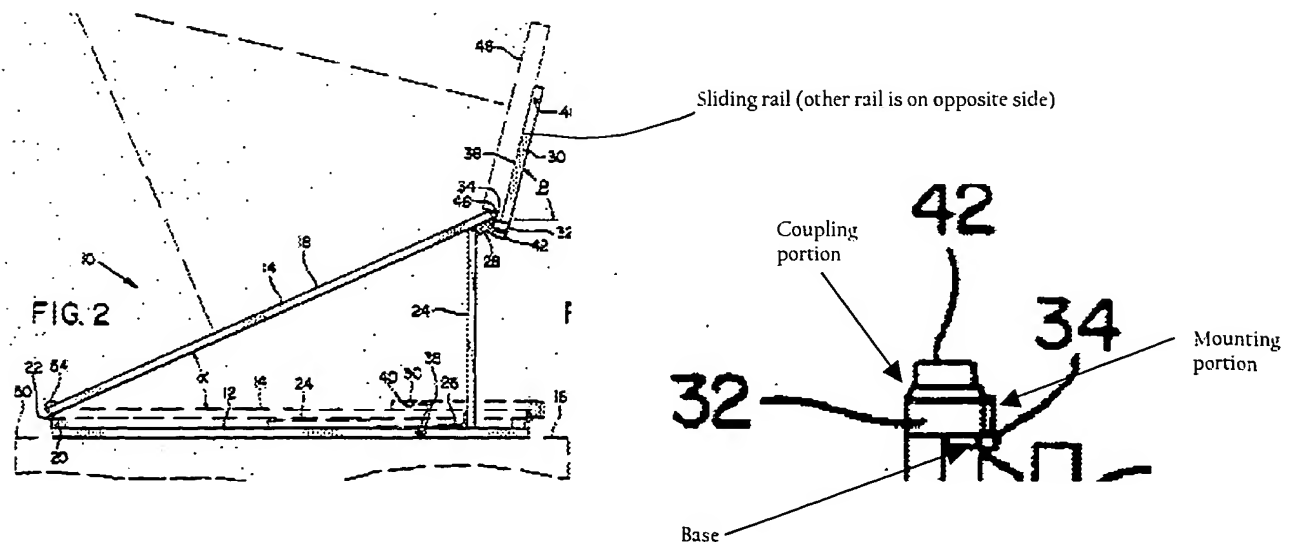
"...wherein said portable computer is a tablet PC," respectively). The applicant must make it clear whether the portable computer is functionally or positively recited. For instance, stating -- adapted to be respectively coupled to a pair of sliding grooves...-- in claim 4 would recite the portable computer merely functionally. The Examiner does not have a suggestion to alleviate the ambiguity in claim 6. For the purposes of this office action, the Examiner will assume the portable computer is recited *functionally*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charney et al. '364 in view of U.S. Patent number 6,216,316 to Errichiello.



Regarding claims 1, 4 and 6, Charney et al. '364 discloses a support structure comprising a base member (12), the base member comprising a first pivoting structure (near 22) disposed at a top surface thereof near a rear side (depending upon a user's specific reference point) of the base member, and a second pivoting structure (near 26) disposed at the top surface in front of the first pivoting structure; a support arm (14) having a bottom pivoting portion disposed at a bottom side thereof and locating means (top edge, near 48) disposed at a top side thereof, the bottom pivoting portion being fastened pivotally with the first pivoting structure of the base member for enabling said support arm to be rotated relative to and lifted, from the base member; a back-stick plate (24) having a bottom side and a top side, the bottom side of the back-stick plate being pivoted to the second pivoting structure of said base member for enabling the back-stick plate to be rotated relative to and lifted from the base member to let the support arm be supported on the top side of the back-stick plate after lifting of the support arm from the base member; a step-less pivoting device (above, right figure), the step-less pivoting device comprising a base (above) affixed to the locating means of the support arm, and a support block, the support block comprising a mounting portion (above), and a coupling portion (above) connectable to the supporting portion of the portable computer, wherein the coupling portion of the support block is comprised of a pair of sliding rails (above) inherently respectively adapted to be coupled to a pair of sliding grooves that form the supporting portion of the portable computer, wherein the support structure could inherently support a portable computer/tablet PC. However, Charney et al. '364 fails to specifically reveal a shaft to be inserted through and rotatable relative to the base.

Nevertheless, Errichiello '316 reveals a step-less pivoting device (figures 1, 2, 6) including a base (figure 1, top leaf), and a shaft (20) inserted therethrough, wherein the base is affixed to

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locating means comprising a recessed portion (figure 6, in 52, there is a recessed portion) via screws (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the step-less pivoting device to have a shaft inserted through and rotatable relative to the base such that the mounting portion is fastened to the shaft on the support structure of Charney et al. '364 as in Errichiello '316 since doing so is a well known and efficient connection in the art.

Further, regarding claim 3, Charney et al. '364 teaches the previous invention failing to specifically reveal the locating means to comprise a recessed portion. Nevertheless, Errichiello '316 reveals the previously described recessed portion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the locating means of Charney et al. '364 so as to comprise a recessed portion as in Errichiello '316 in order to provide for a more secure mounting of the base to the support arm.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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Regarding claim 2, the prior art as applied against claim 1 failed to further specifically teach the support arm to comprise at least one sliding groove and the back-stick plate to comprise a coupling flange coupled to the at least one sliding groove of said support arm.

With respect to claim 5, the prior art as applied against claim 4 failed to further specifically teach the sliding rails to have an L-shaped cross section.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rathvon '976, Cummins '980, Beitler et al. '373, Doerksen '231, Cziraky '108, Shields '996, Gilbert '886 and Hsu '468 teach various support structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is

(703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
December 18, 2004